

## **REMARKS/ARGUMENTS**

### **Amendments**

No claims are modified in the amendment. Claims 1-4, 6-13, 21, 22, 25 and 27-34 are present for examination and claims 1, 9, 30 and 31 are the independent claims. Applicants reserve the right to pursue any un-amended, canceled or withdrawn claims in a continuing application without any prejudicial effects. No new matter is added by these amendments. Applicants respectfully request reconsideration of this application as amended.

### **35 U.S.C. §103 Rejections: Proehl, Inoue and Hodge**

The Office Action has rejected claims 1-4, 6-13, 21-22, 25 and 27-34 under 35 U.S.C. §103(a) as being unpatentable over the cited portions of U.S. Patent No. 6,990,676 to Proehl et al. (hereinafter "Proehl") in view of the cited portions of U.S. Patent No. 5,884,141 to Inoue (hereinafter "Inoue"), further in view of U.S. Patent No. 6,938,268 to Hodge (hereinafter "Hodge"). Applicants believe that one skilled in the art would not combine Proehl, Inoue with Hodge to arrive at the claimed invention. Specifically, one would not combine the teachings of Hodge with the combined systems of Proehl and Inoue for receiving a second portion (of the program) in response to detecting a user request, wherein the second portion is received on a second different channel from the first channel and the second portion is received as a single cast media, as generally required by the independent claims 1, 9, 30 and 31.

The Office Action asserts that it would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify the combination of Proehl and Inoue with the teachings of Hodge for the desirable advantage of combining the advantages of shared bandwidth of NVOD with the advantages of personal movie control, as taught by Hodge. *See Office Action*, page 5, second paragraph. Hodge provides a system for multi-session video-on-demand that provides video-motion-control. When a user sharing a common video-on-demand stream with other users chooses to control the video by pausing, fast-forwarding or reversing the video, the system of Hodge dedicates a portion of a bandwidth pool to the user for the amount of time needed to complete the video-motion-control. *See Hodge*, at Col. 8, line 51

to Col. 9, line 11. However, Applicants submit that Inoue has no need or desire to incorporate a dedicated channel to one of the users receiving an NVOD program.

Inoue already provides a way for a user to pause one of the NVOD programs that takes advantage of the multiple versions of the same NVOD program being transmitted on different channels, where the same program is offset by a broadcast interval time on the different channels. Inoue describes that “During the pause, the video program may continue to be displayed, another program may be received and displayed, or a pause graphics screen may be generated by the microcomputer and displayed. Once the duration of recording equals the broadcast interval (e.g., seventeen minutes), microcomputer 109 controls read/write controller 18 to cease at a time  $d_4$  the recording of video signals from CH4 on the disk ( $d-c=17$  minutes). At a later time  $T_3$ , the user enters a resume command into user interface 106 to end the pause and resume display of the video program.” *Inoue*, at Col. 6, lines 29-40. Because Inoue describes a method of pausing a program that takes advantage of the offset NVOD programs, one of ordinary skill in the art would not be motivated to use the dedicated bandwidth of Hodge to provide video-motion-control because it is unnecessary and wastes bandwidth.

Applicants submit that independent claims 1, 9, 30 and 31 are allowable over Proehl, Inoue and Hodge at least because one skilled in the art would not need or desire to incorporate the single-user-dedicated bandwidth of Hodge for providing video-motion-control because Inoue already describes a way of providing a pause function that takes advantage of the NVOD architecture and does not require bandwidth dedicated to a single user. Claims dependent on the independent claims are allowable at least because each depends from an allowable base claim.

**Interview Request – Compact Prosecution**

Compact prosecution is of great importance to the Applicants. Should further action be required before allowance of this application, Applicants hereby requests an interview prior to any further office action that would reject the claims. The undersigned can be reached by telephone at 303-571-4000 to schedule that interview.

**CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

Further, the Commissioner is hereby authorized to charge any additional fees or credit any overpayment in connection with this paper to Deposit Account No. 20-1430.

Respectfully submitted,

/Thomas D. Franklin/

Thomas D. Franklin  
Reg. No. 43,616

KILPATRICK TOWNSEND & STOCKTON LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 303-571-4000  
Fax: 415-576-0300  
TDF:s6c  
63576465 v1